

Applic. No. 09/694,569
Amdt. dated October 29, 2003
Reply to Office action of July 29, 2003

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-11 remain in the application. Claims 1, 2, 3, and 8-11 have been amended.

In the last paragraph on page 2 of the Office action, claim 1 has been rejected as being obvious over Schild et al. (U.S Patent No. 5,370,051) (hereinafter "Schild") in view of Kunkel et al. (U.S Patent No. 4,707,902) (hereinafter "Kunkel") under 35 U.S.C. § 103.

The rejection has been noted and the claim has been amended in an effort to even more clearly define the invention of the instant application. The claim is patentable for the reasons set forth below. Support for the changes is found on page 15, line 16 to page 16, line 2 of the specification.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, *inter alia*:

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providing the rubber blanket configuration with a clamping bar having substantially u-shaped register cut-formed therein.

The Schild reference discloses u-shaped registry defining notches (5.1) punched directly into the edge of the printing plate (5) (column 2, lines 50-52).

The Kunkel reference discloses including recesses (14 and 15) directly in the edge (7, 8) of the rubber blanket (26) (column 2, lines 54-56).

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest providing the rubber blanket configuration with a clamping bar having substantially u-shaped register cut-formed therein, as recited in claim 1 of the instant application.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

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Furthermore, as noted above, the Kunkel reference discloses including recesses (14 and 15) directly in the rubber blanket (26) and the Schild reference discloses u-shaped registry defining notches (5.1) punched directly into the edge of the printing plate (5). A person of ordinary skill in the art realizes that the teachings of Kunkel and Schild are cost effective because it makes it possible to eliminate the need for clamping bars. It is seen from the above-given comments that the Kunkel and Schild references teach a person of ordinary skill in the art away from the object according to claim 1 of the instant application. Therefore, a person of ordinary skill in the art does not have any motivation to provide the combination of Kunkel and Schild with a clamping bar having register cut-outs.

In the second paragraph on page 3 of the Office action, claims 2, 4-6, and 8-11 have been rejected as being obvious over Schild (U.S Patent No. 5,370,051) in view of Kunkel (U.S Patent No. 4,707,902) and further in view of Berg (U.S Patent No. 3,384,014) under 35 U.S.C. § 103.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in

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Fig. 1 (reference numerals 8, 10, and 11) of the instant application and on page 13, lines 12-20 of the specification.

Claims 2, 10, and 11 call for, *inter alia*:

the blanket material having an upperside layer and an underside layer, and the clamping bar being disposed only on the underside layer.

The Berg reference discloses a blanket assembly (11) having a fabric backed rubber offset printing blanket (19) which has u-shaped beads (20) fastened to edges of the printing blanket (19). A clamping bar (22) having a u-shape, holds the printing blanket (19) by the u-shaped beads (20). Therefore, the clamping bar (22) is required to be disposed on the rubber side as well as the fabric side of the printing blanket (19). Furthermore, in another embodiment shown in Fig. 9, Berg discloses a composite bar (60) made up of a pair of separate bar plates (61 and 61). The printing blanket (19) is disposed between the bar plates (61) so that the u-shaped beads (20) bear against rear surfaces (63) of the bar plates (61). Therefore, the composite bar (60) is required to be disposed on the rubber side as well as the fabric side of the printing blanket (19).

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It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest the blanket material having an upperside layer and an underside layer, and the clamping bar being disposed only on the underside layer, as recited in claims 2, 10 and 11 of the instant application. In one embodiment the Berg reference discloses that a clamping bar (22) having a u-shape, holds the printing blanket (19) by the u-shaped beads (20). Therefore, the clamping bar (22) is required to be disposed on the rubber side as well as the fabric side of the printing blanket (19). In another embodiment Berg discloses that a printing blanket (19) is disposed between bar plates (61) so that the u-shaped (20) beads bear against rear surfaces (63) of the bar plates (61). In both of the embodiments of Berg the clamping bar is disposed on both sides of the printing blanket. This is contrary to the invention of the instant application as claimed, in which the blanket material has an upperside layer and an underside layer, and the clamping bar is disposed only on the underside layer.

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The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Moreover, it is noted that Berg teaches away from the invention of the instant application for the following reasons.

As noted above the printing blanket (19) of Berg has u-shaped beads (20) fastened to the edge of the printing blanket (19). The clamping bar holds the printing blanket (19) in place by the beads (20). Because the beads (20) are used hold the printing blanket (19) the clamping bars disclosed in Berg must be disposed on both sides of the printing blanket. Therefore, the Berg reference teaches away from the clamping bar being disposed only on the underside layer, as recited in claims 2, 10, and 11 of the instant application.

Furthermore, the Berg reference teaches that the notches in clamping bars are supposed to have a completely closed and thus not a U-shaped inner contour. In the invention of the instant application, typical register cut-outs are used. It is common knowledge that typical register cut-outs lead into a leading edge, i.e. in the state of the art they lead into the leading edge of the blanket material (Kunkel Fig. 6 reference

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numerals 14 and 15, and Schild Fig. 2 reference numeral 5.1) and in the invention of the instant application they lead into the leading edge of the clamping bar 11 (Fig 2, positions 23 and 24). In other words, the shape of a typical register is not closed, it is substantially U-shaped. Therefore, the combination of Schild, Kunkel, and Berg would not lead to a rubber blanket configuration having a clamping bar with substantially U-shaped register cut-outs formed therein.

Appellants respectfully believe that any teaching, suggestion, or incentive possibly derived from the prior art is only present with hindsight judgment in view of the instant application. "It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the appellant's structure as a template and selecting elements from references to fill the gaps. . . . The references themselves must provide some teaching whereby the appellant's combination would have been obvious." In re Gorman, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991) (emphasis added). Here, no such teaching is present in the cited references.

Since claim 2 is believed to be allowable, dependent claims 4-6 are believed to be allowable as well.

The following remarks are made with regard to claim 8.

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Claim 8 calls for, *inter alia*:

a clamping device fastening the rubber blanket configuration to a cylinder, the clamping device gripping only the clamping bar.

It is noted that the Examiner did not provide any detailed comments regarding claim 8 of the instant application.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

The references do not show or suggest a clamping device fastening the rubber blanket configuration to a cylinder, the clamping device gripping only the clamping bar, as recited in claim 1 of the instant application.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

The following remarks are made with regard to claim 9.

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The rejection of claim 9 has been noted and the claim has been amended in an effort to even more clearly define the invention of the instant application. The claim is patentable for the reasons set forth below. Support for the changes is found on page 18, line 11 of the specification.

Claim 9 calls for, *inter alia*:

a flexographic printing plate with substantially u-shaped register cutouts formed therein.

The Examiner argues against claim 9 with reference to the offset printing process. Even though the Examiner is correct in that a plate cylinder and a rubber blanket cylinder are used together or cooperatively during offset printing (whereby the offset printing plate is disposed on the plate cylinder and the rubber blanket is disposed on the blanket cylinder). However, claim 9 has no reference to offset printing and instead pertains to an entirely different printing process, i.e. flexographic printing. In the flexographic printing process, a flexographic printing plate is used.

The references do not show or suggest a flexographic printing plate with substantially u-shaped register cutouts formed therein, as recited in claim 9 of the instant application.

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In the second paragraph on page 4 of the Office action, claim 3 has been rejected as being obvious over Schild (U.S Patent No. 5,370,051) in view of Kunkel (U.S Patent No. 4,707,902) and Berg (U.S Patent No. 3,384,014) and further in view of Fox et al. (U.S Patent No. 5,562,039) under 35 U.S.C. § 103. Fox et al. do not make up for the deficiencies of Schild, Kunkel, and Berg. Since claim 2 is believed to be allowable, dependent claim 3 is believed to be allowable as well.

In the last paragraph on page 4 of the Office action, claim 7 has been rejected as being obvious over Schild (U.S Patent No. 5,370,051) in view of Kunkel (U.S Patent No. 4,707,902) and Berg (U.S Patent No. 3,384,014) and further in view of DE 94 16 007 U1 under 35 U.S.C. § 103. DE 94 16 007 U1 does not make up for the deficiencies of Schild, Kunkel, and Berg. Since claim 2 is believed to be allowable, dependent claim 7 is believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 2, or 8-11. Claims 1, 2, and 8-11 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately

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dependent on claim 2, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-11 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

Please charge any other fees which might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner & Greenberg P.A., No. 12-1099.

Respectfully submitted,

For Applicant(s)

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